

United States Senate

WASHINGTON, DC 20510

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COMMITTEES:
APPROPRIATIONS
BANKING, HOUSING,
AND URBAN AFFAIRS
BUDGET
ENVIRONMENT AND
PUBLIC WORKS

March 3, 2016

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

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Dear Attorney General Lynch and Chairman Wheeler:


I write to request that the Department of Justice (DOJ) and the Federal Communications Commission (FCC) take a careful look at the proposed acquisitions of Time Warner Cable and Bright House Networks by Charter Communications. I am particularly interested in whether this consolidation in the industry will negatively impact access to broadband, raise prices, or limit innovation.

The shrinking number of operators could limit access to necessary broadband services. With this potential deal, the newly merged company could be incentivized to close off new online video competitors, further limiting options for consumers. The company would also enjoy increased bargaining power when negotiating video programming fees, which could allow it to underprice smaller cable companies and new entrant video services, potentially threatening their ability to compete and limiting the delivery of broadband service to rural America.

The amount of debt that Charter will be undertaking also raises questions about its ability to follow through on its commitments to improving its network, particularly in rural areas, which is a priority for my state. The DOJ and the FCC should carefully examine whether the financial condition of the new company would allow for those investments, and whether its debt levels will lead to higher costs for consumers.

For the United States to remain a leader in innovative technologies and cutting edge ideas, broadband access must be competitive, affordable, and accessible to all. I ask that DOJ and the FCC thoroughly consider whether a Charter-Time Warner Cable-Bright House Networks deal will serve the public interest and leave consumers better off than they are today.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey A. Merkley". The signature is stylized with a large, looped "J" and "M".

Jeffrey A. Merkley
United States Senator

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 7, 2016

The Honorable Jeff Merkley
United States Senate
313 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for your letter regarding Charter Communications' proposed merger with Time Warner Cable and acquisition of Advance/Newhouse Partnership, the parent of Bright House Networks. I appreciate hearing your views.

Consistent with our rules, the Commission will evaluate whether these proposed transactions are in the public interest. Our analysis on any transaction is always robust and takes several factors into account, including the issues you raise in your letter. As you mention in your letter, not only do we assess whether we can appropriately remedy any harms that may arise from the transaction, we also place great emphasis on the benefits that the transaction will confer on American consumers. While I am unable to discuss the merits of this particular proceeding, I can assure you that the Commission is conducting an open and transparent process as required by FCC rules and regulations. After developing a full and complete record, we hope to conclude our review as quickly as possible.

Again, thank you for your interest in this matter. Your letter will be made part of the official record of the proceeding.

Sincerely,

A handwritten signature in blue ink, which appears to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler